

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

OSCAR GARCIA,

Plaintiff,

v.

SIMEUS FOODS INTERNATIONAL, INC.

Defendant.

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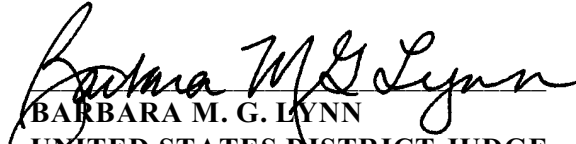
Civil Action No. 3:08-CV-1137-M

**ORDER ACCEPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

On February 8, 2010, United States Magistrate Judge Jeff Kaplan made Findings, Conclusions and a Recommendation in this case on Defendant's Motion for Summary Judgment. On February 22, 2010, Plaintiff filed an untitled document purporting to submit unauthenticated evidence allegedly germane to the issues that are the basis for the Findings, Conclusion and Recommendation. Magistrate Judge Kaplan considered Plaintiff's response to the Motion for Summary Judgment although it was two months late. This most recent filing is untimely, and the evidence is not in proper form. Therefore, it is stricken from the record and will not be considered by this Court.

There being no objections to the Findings, Conclusions and Recommendation, the Court reviews them for plain error. Finding none, the Court accepts the Findings, Conclusions and Recommendation of the United States Magistrate Judge.

**SO ORDERED** this 26<sup>th</sup> day of February, 2010.

  
**BARBARA M. G. LYNN**  
**UNITED STATES DISTRICT JUDGE**  
**NORTHERN DISTRICT OF TEXAS**